

Texas Agricultural Extension Service

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County Government Topics

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Procedure for Requesting An Opinion from the Attorney General

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The sheer volume and complexity of laws relating to county government often results in the need for legal opinions. A public official can never be too cautious in assuring that his or her actions are valid within the "eyes" of the law. When in doubt, it may be wise to request a written opinion from the State Attorney General. However, not just anyone can request an Attorney General Opinion and those that can must follow certain procedures. Below are questions often asked by county officials regarding requests for Attorney General Opinions. The answers to these questions come from Vernon's Texas Civil Statutes and the Attorney General's Office.

Who in the county can request an opinion from the Attorney General?

Article 4399 of Vernon's Texas Civil Statutes provides the County Attorney, District Attorney, Criminal District Attorney and in certain cases the County Auditor with authority to request an AG Opinion. All county officials should first direct their questions to the local County or District Attorney. If the County or District Attorney is unable to answer the request, they may submit a request for an AG Opinion on behalf of the county official.

When may a County Auditor submit a request directly to the Attorney General?

Here again, the County Auditor's request should be submitted to the County or District Attorney in accordance with the provisions of Article 334 of Vernon's Texas Civil Statutes. If the County or District Attorney fails or refuses to answer the Auditor's request or if the County Auditor, County Judge or any officer affected by the opinion disagrees with the County or District Attorney's opinion, or believes that it is in conflict with former opinions, then the Auditor may make the request directly to the Attorney General.

What should be included in the request for an Attorney General Opinion?

The request must be in writing and should give a complete statement of facts rather than a hypothetical question. The County or District Attorney should not submit a question that is currently involved in either civil or criminal litigation. Further, the official requesting the opinion should file a complete brief with his request, giving the conclusions of the briefer and the reasons which support his or her views.

How should the request for an opinion be forwarded to the Attorney General?

The request must be made by certified or registered mail with return receipt requested and addressed to

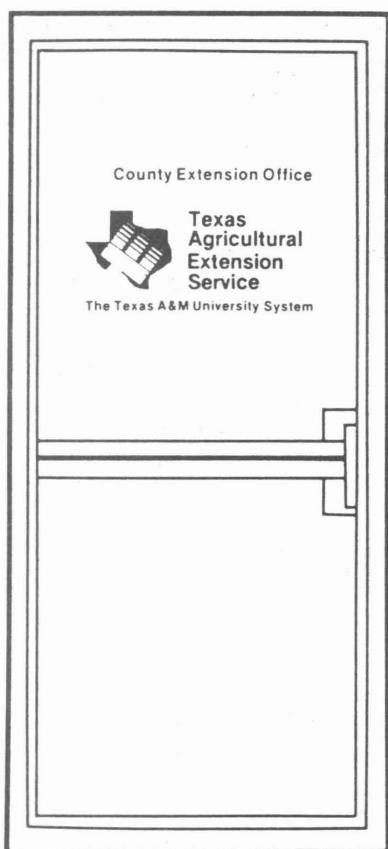
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the Office of the Attorney General in Austin, Texas.
The appropriate address is:

Attorney General's Office
Supreme Court Building
P. O. Box 12548
Austin, TX 78711-2548
Attn: Opinions Committee

How long does it take to get a response from the Attorney General?

The Attorney General shall acknowledge receipt of the request on or before the 15th day after it is received. The opinion will be issued no later than 180 days thereafter unless the Attorney General has, on or before such date, advised the requester in writing that the opinion will be delayed or not rendered and stating the reasons therefore.



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